

52



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,230	05/25/2001	Nicholas J. Elsey	41698.1007	2619

7590

05/26/2004

Alex L. Yip
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022

EXAMINER

HOOSAIN, ALLAN

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 05/26/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,230

Applicant(s)

ELSEY ET AL.

Examiner

Allan Hoosain

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-153 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-153 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

- I. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1,80, drawn to access rights for accessing information sources, classified in class 379, subclasses 91.01-93.03,142.01-142.13.
 - II. Claims 13,92, drawn to updating direction of information flows between sources, classified in class 379, subclasses 67.1,75,76,88.13,88.17,88.18,88.25,88.27.
 - III. Claims 19,97, drawn to call setup using valid contacts, classified in class 379, subclass 88.02,88.19,88.2,88.21,88.22,207.13-207.15.
 - IV. Claims 26,69,102,143, drawn to bridging calls, classified in class 379, subclasses 201.06-207-11.
 - V. Claims 31,106, drawn to future events and notifications, classified in class 379, subclasses 88.11,88.12,93.35,100.06,142.08,210.01-215.01.
 - VI. Claims 46,121, drawn to storing calendar information, classified in class 379 subclasses 69,70,88.22,88.23,201.01-201.03,207.12,221.08-221.12.
 - VII. Claims 51,126, drawn to processing signals with identifiers for accessing a profile with a preference, classified in class 379, subclasses 74,88.02,88.19,88.2,114.1-114.2,201.01-201.05,221.09-221.15.
 - VIII. Claims 62,137, drawn to processing requests for accessing profiles and selecting a profile, classified in class 379, subclasses 201.01-201.05,201.12,210.01-214.01,221.09-221.15,265.11-266.1.

Art Unit: 2645

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III, IV, V, VI, VII and VIII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01).

The inventions are distinct, each from the other because of the following reasons:

1. Inventions I to VIII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because the disclosure teaches different ways for providing personalized user services and as exemplified by Invention I, a user is given personalized services based on access rights to folder services (Page 1, lines 25-27 and Page 16, lines 1-3). In Inventions II-VIII, personalized services through folders are not required even though personalized communications are provided to a customer. In invention I the personalization is governed by whether a user is only a read-only or owner of the folders.

Similarly, the disclosure teaches and as exemplified by Inventions II-VIII, different ways of providing personalization services and which are independent of each other.

Invention II is governed by where information is flowing and updating information i.e. synchronization of folder information (Page 27, lines 7-17).

Inventions III and IV, are governed by call screening, verifying contacts and setting up calls to contacts (Page 19, lines 18-26). The teaching shows that invention III is different from Invention IV in the way calls are setup.

Art Unit: 2645

Inventions V and VI are governed by the use of calendar information (Page 32, lines 10-24 and Page 34, lines 21-27). The teachings show how calendaring information is used for different functions.

Inventions VII and VIII are governed by profile information (Page 37, lines 10-16 and Page 38, lines 1-8). The teachings show how a user profile is used for providing user services (Invention VII) and the administration of user profiles (Invention VIII).

Each of the inventions provide personalized services based on their respective subject matter and are, therefore, distinct.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classifications and subject matter, the search required for each invention is not required for the other. Therefore, restriction for examination purposes as indicated above is proper. See MPEP 806.05 (d).

4. A telephone call was made to Applicants representative, **Alex L. YIP**, Reg. No. 34,759, to request an oral election to the above restriction requirement. No election was made.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6 Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

Art Unit: 2645

currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. A shortened statutory period for response to this action is set to expire **0 (zero) months and 30 (thirty) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 USC 133 and MPEP 710.02, 710.02(b)).

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

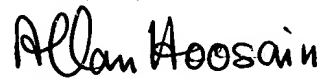
(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Allan Hoosain
Primary Examiner
5/18/04